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**TITLE 329 SOLID WASTE MANAGEMENT BOARD**

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**NOTICE OF READOPTION**  
**IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD**  
LSA Document #10-228

**READOPTON OF RULES IN TITLE 329 UNDER IC 13-14-9.5****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 329 of the Indiana Administrative Code under IC 13-14-9.5.

**RULES TO BE READOPTED:** 329 IAC 10-7.2-1; 329 IAC 10-8.2-1; 329 IAC 10-8.2-2; 329 IAC 10-8.2-3; 329 IAC 10-8.2-4; 329 IAC 10-8.2-5; 329 IAC 10-8.2-6.

**AUTHORITY:** IC 13-14-9.5.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9 expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2011. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Legislative Services Agency under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

**LIST OF RULES****Solid Waste Land Disposal Facilities**

<u>329 IAC 10-7.2-1</u>	Generator responsibilities for waste information
<u>329 IAC 10-8.2-1</u>	General
<u>329 IAC 10-8.2-2</u>	Wastes that generate fugitive dust
<u>329 IAC 10-8.2-3</u>	Waste that is hot or capable of generating heat
<u>329 IAC 10-8.2-4</u>	Regulated asbestos-containing materials
<u>329 IAC 10-8.2-5</u>	Wastes that contain PCBs
<u>329 IAC 10-8.2-6</u>	Waste pesticides or wastes contaminated with pesticides

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
  - (A) readopt that rule separately from the readoption rule; and
  - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Legislative Services Agency under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

**REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under IC 13-14-9. IDEM requests that specific changes and language suggestions accompany such comments.

Mailed comments should be addressed to:  
#10-228 (SWMB) (Notice of Readoption)

Janet Pittman  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 North Senate Avenue MC 65-46  
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5517, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 21, 2010.

Additional information regarding this action may be obtained from Lydia Kuykendal, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Nancy King  
Chief, Rules Development Branch  
Office of Legal Counsel

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